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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/189,615 11/09/98 GEBAUER

N 33012/246

EXAMINER

TM02/0615

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ART UNIT

PAPER NUMBER

2177

DATE MAILED:

06/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

See attached Ackn.

Office Action Summary

Application No.
09/189,615

Applicant(s)

Gebauer

Examiner
Greta Robinson

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2177



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 2, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Apr 2, 2001 is: ☒ approved ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-20 are pending in the present application.
2. Claims 1, 5, 6, 15, 16, and 19 have been amended.
3. *Cool Ice User's Guide Release 1.0* was cited as prior art in the last office action paper number three.

Drawings

4. The corrected or substitute drawings were received on April 2, 2001. The drawings have been approved.

Specification

5. The substitute specification filed April 2, 2001 has not been entered because it does not conform to 37 CFR 1.125(b) because: (1) the substitute specification has not been filed properly. Note: Applicant has mistakenly included the substitute specification in place of the amendments that should be made in the disclosure (i.e. Appendix A support for specification amendments). The substitute specification should be a separate paper. Also, the Examiner suggests filing a substitute amendment to include the amendments needed for the specification because the

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amendments to the specification have not been properly noted by the Applicant, and therefore changes have not been made. (2) A *marked-up copy* of the substitute specification is needed.

6. The use of trademarks Cool ICE and Classic MAPPER has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology. See MPEP §608.01(v).

Although the use of trademarks is permissible in patent applications, the propriety nature of the marks should be respected and every effort to prevent their use in any manner which might adversely affect their validity as trademarks.

7. The disclosure is objected to because the cited references to related Applications does not include the application numbers of the co-pending applications. See MPEP 608.01(p).

Appropriate correction is required.

8. The disclosure is objected to because of the following typographical errors:

- a) on page 3, line 19, the erroneous inclusion of a ':';
- b) on page 25, line 2, the erroneous inclusion of '.' after the word 'language';
- c) on page 27, line 3 the erroneous inclusion of a ',' after the word 'Fig';
- d) on page 31, line 4, the erroneous inclusion of a ';' in the URL; and
- f) on page 34, line 10, the erroneous inclusion of a ',' after the period.

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Appropriate correction is required.

9. The disclosure is objected to because it is in conflict with the drawings.

On page 29, line 12, reference is made to 'path 156' of figure 6. However, in figure 6, reference number 156 refers to the 'Cool ICE Service Handler', and the said path is indicated by reference number 158.

Similarly, on page 31, line 13, reference is made to 'path 208' of figure 7. However, there is no reference number 208 in Figure 7; the said path is indicated by reference number 206.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cool Ice User's Guide Release 1.0* in view of *Classic Mapper User's Guide*.

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With respect to claim 1, *Cool Ice User's Guide* teaches in a data processing environment having a user terminal coupled to a publicly accesible digital communications network and having a data base management system having with, the improvement comprising:

a server coupled to said terminal via said publically accessible digital communications network and coupled to said data base management system wherein said server includes an administration management system which optionally transfer an unavailability message to said user terminal [see: figure 1-1 The Cool ICE Environment; note page 1-4 section Designing Web Services ; figure 1-2 Cool ICE Components note administration component; see page 1-8 through 1-10 Cool ICE Administration options; also note page 1-15 and figure 1-4 flowchart for requesting a service].

Cool Ice User's Guide teaches the invention substantially as cited above, they teach a data processing environment which integrates multiple disparate, back-end database systems so that stored information can be accessed via the internet. Web services may be designed to return validation and confirmation of requests; also different levels of security may be programmed into the system for access. Although Cool Ice User's Guide teaches the invention substantially as cited above, they do not specifically disclose transfer of an unavailability message. *Classic MAPPER User's Guige* teaches transfer of messages that let the user know the status of the system [see page 19-3 and 19-4]. It would have been obvious to one of ordinary skill at the time of the invention to have combined the Classic MAPPER User's Guide with the COOL ICE User's

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Guide because the Guide's show further show how the capability of the database management system.

12. With respect to claims 2-5:

(Claim 2) wherein said state manager includes a repository for storing said unavailability message [page 1-9 Cool ICE Service Repository].

(Claim 3) wherein said publically accessible digital communications network is the world wide web [page 1-2 Cool ICE and the Internet; also note figure 1-1].

(Claim 4) wherein said repository includes space for storage of at least one variable for said availability message [note Cool Ice Service Service Handler error logging feature page 1-6 through 1-7; page 2-16].

(Claim 5) wherein said data base management system is CLASSIC MAPPER [note MAPPER page 1-5].

13. With respect to claim 6:

a. a user terminal having a user-id;

b. a publically accessible digital communications network coupled to said user terminal;

and

c. A server coupled to said publically accessible digital communications network;

d. A data base management system responsively coupled to said server; and

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e. an administration management system responsively coupled to said data base management system and said server for transferring an unavailability message from said server to said user terminal to indicate unavailability of said data base management system [page 1-4; also note section Access Log page 2-14 discusses providing information about when the system is busy; figures 1-1 and 1-2].

14. With respect to claims 7-10:

(Claim 7) wherein said data base management system has a repository having storage for said unavailability message [page 1-9].

(Claim 8) wherein said repository has storage for a variable to be included in said unavailability message [page 1-6 through 1-7 and page 2-16].

(Claim 9) wherein said publically accessible digital communications network is the world wide web [page 1-2; also note figure 1-1].

(Claim 10) wherein said user terminal is an industry compatible personal computer having a commercially available web browser [note requirements page 1-5 and figure 1-2].

15. With respect to claim 11:

transmitting a service request ... determining whether said data base management system is currently capable of honoring said service request ... honoring said service request ... transferring an unavailability message to said terminal if said determining step determines that said

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data base management system is not currently capable of honoring said service request [page 2-14 through 2-15; note section request a service page 1-15; page 1-16 and 1-17].

16. With respect to claims 12-15:

wherein said transferring step further comprises transferring said availability message ... further comprises adding an appropriate variable to said unavailability message ... network further comprises the world wide web ... further comprises CLASSIC MAPPER data base management system [note page 1-4 section Designing Web Services].

17. With respect to claim 16:

means for permitting a user to interact with a digital data base.... [note service handler determines whether the user is authorized to access the service page 1-15].

18. The limitations of claims 17-20 have been addressed above in claims 7-10; therefore they are rejected under the same rationale.

19. In the response Applicant argued the following: Prior art reference *COOL ICE* User's Guide does not teach transfer of an unavailability message as note in the independent claims.

In response to Applicant's argument a new rejection is made citing *Classic MAPPER* User's Guide. This reference teaches transfer of messages note citations supra.

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20. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta Robinson whose telephone number is (703)308-7565. The examiner can normally be reached Monday through Friday from 9:30 AM to 6:00 PM.

If any attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached at (703)305-9790.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703)308-6306, (for formal communications)

Or:

(703)746-5657, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

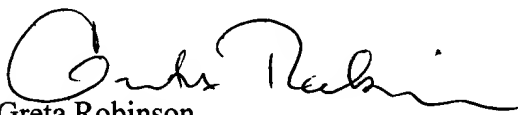
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Hand delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is (703)305-9600.



Greta Robinson

June 14, 2001